

REMARKS

Claims 33-54 are currently pending in this application. In this Response, Applicant has amended certain claims that Applicant believes serve a useful clarification purpose, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

In particular, claims 1-32 have been canceled and new claims 33-54 have been introduced. As no new matter has been added by the amendments herein, Applicant respectfully requests entry of these amendments at this time.

Power of Attorney

Until recently, Applicant has prosecuted this application *pro se*. In view of the Examiner's suggestions in the office action on pages 4-5, Applicant has selected patent counsel to assist in the prosecution of this case. Enclosed herewith is a power of attorney authorizing the named attorneys to act on behalf of the Applicant before the Patent Office for this case.

Request for In-Person Interview

Applicant's representatives request an in-person interview to discuss the subject matter of the application and the status of issues raised by the Examiner.

Correction of Drawings

The Examiner objected to the drawings as failing to comply with 37 CFR § 1.84(p)(4) for the reasons provided on page 2 of the office action. It appears that Applicant may have already addressed this issue. If not, or if further corrections are needed, Applicant will make the necessary corrections.

Objections to the Specification

The Examiner objected to the specification for the reasons provided on pages 2-3 of the Office Action. In particular, the Examiner objected to the Abstract. In response, Applicant submits herewith a substitute Abstract. Applicant believes no further action is needed at this time to respond to the Examiner's new matter objections since the Examiner did not enter the substitute specification and claims filed May 1, 2001.

Objections to the Claims

The Examiner objected to the claims for the reasons provided on pages 3-5 of the Office Action. These claim objections are believed to be moot in view of the newly introduced claims.

The Claim Rejections under 35 U.S.C. § 112

The Examiner imposed several claim rejections under 35 U.S.C. § 112 for the reasons provided on pages 5-7 of the Office Action. These claim rejections are believed to be moot in view of the newly introduced claims.

The Claim Rejections under 35 U.S.C. § 101

The Examiner rejected claims 1-3 under 35 U.S.C. § 101 on the ground that the claims were inoperable and therefore lacked utility. In particular, the Examiner stated on pages 7-8 her belief that the claimed invention was inoperable because motive fluid would be trapped and could not exert any useful energy release by expansion, impulse, or reaction.

Applicant respectfully disagrees with the Examiner's conclusion that the claimed invention was a "closed pocket turbine." The original claims recited elements for introducing an air-fuel mixture into a bore of an engine, igniting or combusting the mixture, and deriving useful energy release therefrom. In addition, the claims also recited an exhaust system where combusted gases could be released. It appears that the Examiner failed to appreciate that these features were present in the original claims. As a result, the claims have been rewritten to more clearly recite the many features of the invention. For these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections under § 101.

The Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-3 under 35 U.S.C. § 102 based on GB 349614 to Hay, FR 2,252,764 to Yvette, and FR 2,229,274 to Paul for the reasons provided on pages 9-12 of the Office Action. Applicants respectfully traverse.

It is axiomatic that a reference must teach all of the elements recited in the claims in order for an Examiner to reject the claim under 35 U.S.C. § 102. Here, Applicant contends that the Examiner did not show every element of the claims in the references cited. As stated above, it appears that the Examiner may not have

understood the claims, and therefore rejected them under both § 101 and §102. The claims have been rewritten to more clearly describe the claimed invention. As a result, Applicant requests the Examiner reconsider and withdraw the rejections under § 102.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicant invites the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition to Revive and a Request for a 3-month extension of time are submitted herewith, including authorization to charge the appropriate fees.

Applicant notes that a request for refund of overpayment of fees during prosecution is being submitted herewith because the Applicant is an individual, and therefore eligible for small entity reduced fees. Since he initially conducted prosecution on a *pro se* basis, Applicant was neither aware of the reduced fees nor how to apply for them. Supporting documentation for the \$1,095 requested is also enclosed. The requested refund has been indicated in the enclosed Fee Sheet.

No other fee is believed due at this time. Should any fee be required or if the requested refund is denied in whole or in part, however, please charge the appropriate fee to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127, Order No. 25232.0002.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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By: 

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